

III.A.2

MEMO TO: City Council

FROM: Rosemarie Ives, Mayor

DATE: January 4, 2005

SUBJECT: **ORDINANCE: AVON VILLA ANNEXATION, L040072**

I. RECOMMENDED ACTION

By motion adopt the attached ordinance approving the Avon Villa Bordner Annexation, File No. L040072 (Attachment A).

II. DEPARTMENT CONTACT PERSONS

Roberta Lewandowski, Director, Planning and Community Development, 425-556-2447
Rob Odle, Planning Policy Manager, 425-556-2417
Dianna Broadie, Senior Planner, 425-556-2414

III. DESCRIPTION/BACKGROUND

On February 2, 2004, the City received an application to annex 13 acres in the Bear Creek neighborhood. (See Map, Attachment B.) On March 2, 2004, the Council authorized the circulation of a petition for annexation of the entire area. In June 2004, the Council called for completing all annexations within the city's proposed boundaries, as one means to create and connect neighborhoods. The petition process received the required number of signatures, and the annexation was submitted to the King County Boundary Review Board for review. The King County Boundary Review Board approved the annexation on December 6, 2004. To complete the annexation, the Council must hold a public hearing on the annexation prior to taking action on the proposed annexation. State law allows the City Council to either accept, or reject, the annexation.

A. Facts/Conclusions

1. Size of Annexation Area: 13 acres
2. Zoning and Land Use:
The current land use consists of a 96-unit mobile home park, a gas station/convenience store, a convenience store, an auto repair shop, and an Eagles lodge. The area is within King County's Bear Creek planning area, with Urban Residential >12 units/acre and Neighborhood Business Center land use designations. The King County plan for the area has

three zones: R-18, Neighborhood Business, and Office. Redmond policies provide for annexations to receive zoning consistent with the City's current plan designation. The Redmond Comprehensive Plan designation is multi-family urban and neighborhood commercial. The area has pre-annexation zoning of R-18 (18 units/acre) for the area of the mobile home park and NC (Neighborhood Commercial) for the remainder of the site. (See Attachment C.)

3. Utility Issues
The existing uses are currently being served by Redmond's water and sewer utility.
4. Roadway Maintenance and Standards
No roadway will be annexed.
5. Assumption of Outstanding Indebtedness:
The petition called for the assumption of bonded indebtedness.

B. Consistency with City Annexation Policies

A-8 Annex all land within the Potential Annexation Area as soon as residents or property owners support annexation, and concurrently adjust growth targets between the city and the county.

This annexation used the method that required both a majority of the resident voters and owners representing a majority of the acreage. The majority of resident voters supported the annexation as well property owners representing a majority of the acreage.

A-10 Require annexation prior to extending utility service to unincorporated areas except for the following cases:

- Where Redmond is required to serve due to pre-existing service agreements; or
- Where an individual well or septic failure occurs, immediate annexation is not possible or expedient, and the property owner is willing to sign an agreement to annex the property in a timely manner.

This area was already served by a prior service agreement.

A-12 Focus annexation efforts south of NE 124th Way/NE 128th St. and promote expeditious annexation of unincorporated land within Redmond's Potential Annexation Area by:

- Waiving annexation application fees;
- Encouraging joint applications;

- **Prohibiting extension of sewer service into unincorporated areas (with exceptions as noted in this Element);**
- **Identifying environmentally constrained areas prior to annexation for inclusion in the City's sensitive area ordinance;**
- **Involving potential future residents in neighborhood plans;**
- **Ensuring consistency with Redmond's Comprehensive Plan; and**
- **Adopting pre-annexation zoning.**

This annexation is south of NE 124th Way/NE 128th Street. The application fee was waived because the area contains an affordable housing complex. The application included additional properties to create a logical boundary completing annexation in this area to the Urban Growth Boundary. Sewer service is already extended so this annexation makes service to this portion of our service area more efficient. The City's sensitive area ordinance has Bear Creek already mapped and classified, and the City will be completing a preservation easement along the creek for protection.

A-13 Require developers to construct or fund public facilities to serve that development and require owners to construct or pay for health- and safety-related improvements related to their property for newly annexed areas. Consider using capital facilities funding as a supplement or instead of owner or developer funding if a city-wide benefit can be shown for public facility improvements for those areas.

This area is already served by public facilities.

A-14 Ensure that newly annexed territory accepts its equitable share of the City's bonded indebtedness.

The petitioners agreed to assumption of bonded indebtedness.

A-15 Require to the extent practical that individual annexation proposals have logical boundaries that include streets, natural topographical breaks, streams, and other physical features.

A roadway (NE 116th), a major creek (Bear Creek), and a major electric transmission corridor were used as boundaries. All of these are easily identified physical features.

A-16 Avoid individual annexations that create islands of unincorporated land.

This annexation does not create an island.

A-17 Review the right-of-way issues prior to defining boundaries of individual annexations to determine logical inclusions or exclusions, including review of the following issues:

- **Whether the right-of-way will be needed for eventual provision of utilities or transportation links.**
- **Whether there are pre-existing utilities from a particular district or jurisdiction already in a right-of-way.**
- **Whether streets or bridges are in a safe condition.**
- **Whether assumption of a section of a regional arterial will produce an unfair burden for maintenance and expansion on the City.**

The right-of-way issues were explored prior to the filing of Notice of Intent, and the adjacent roadway (NE 116th) segment was not included, as its inclusion would have created inefficient transportation service boundaries. Utilities are extended from Avondale.

IV. IMPACT

A. Service Delivery. The City of Redmond will provide police services to this area.

B. Fiscal: The impacts to the City will be the cost of police responses to the newly annexed area. Fire coverage will remain the same. The City will lose the out-of-city surcharge for those utilities it is currently providing. The City would be receiving revenues from property tax, sales tax, and utility taxes.

V. ALTERNATIVES TO STAFF RECOMMENDATION

A. The Council may deny the Avon Villa annexation. The area or some portion of it could request annexation at a future time if the current proposal is denied.

VI. TIME CONSTRAINTS

None.

VII. LIST OF ATTACHMENTS

Attachment A: Ordinance annexing the area known as the Avon Villa Annexation.

Exhibit 1: Legal Description

Exhibit 2: Map of Annexation Area

Attachment B: Vicinity Map

Attachment C: Zoning Map

/s/
Roberta Lewandowski, Planning Director

12/16/04
Date

Approved for Council Agenda: /s/
Rosemarie Ives, Mayor

12/17/04
Date

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ANNEXING 13 ACRES LOCATED ON THE SOUTHEAST CORNER OF AVONDALE ROAD AND NE 116TH STREET THAT EXTEND EAST TO BEAR CREEK AND SOUTH TO THE ELECTRIC TRANSMISSION CORRIDOR AND REQUIRING THE PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY, File No. L040072.

WHEREAS, on February 2, 2004, the City of Redmond received a Notice of Intent to annex certain real property commonly known as the Avon Villa Annexation; and

WHEREAS, the Notice of Intent was signed by owners of the property representing at least ten percent (10%) of the acreage of the area to be annexed described in Exhibit 1 attached hereto; and

WHEREAS, on March 2, 2004, the City Council met with the initiators of the annexation, accepted the Notice of Intent subject to certain conditions, and authorized circulation of an annexation petition; and

WHEREAS, on August 13, 2004 the City received an annexation petition containing the signatures of the owners representing 60% of the assessed valuation for the area legally described in Exhibit 1 and shown on the attached map, Exhibit 2, for which annexation was petitioned; and

WHEREAS, the City Council held a public hearing on the proposed annexation on January 4, 2004 and at the conclusion of said hearing, determined that the property should be annexed, subject to the Redmond Community Development

Guide and subject to a requirement that the property be assessed and taxed at the same rate as other property within the City; now therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. That certain 13 acres of property located, on the southeast corner of Avondale Road and NE 116th Street that extend east to Bear Creek and south to the electric transmission corridor commonly known as the Avon Villa Annexation, depicted on the map attached hereto as Exhibit 2 and legally described on the attached Exhibit 1, both of which exhibits are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Redmond.

Section 2. Zoning. Zoning for the Avon Villa Annexation shall be set at a combination of R-18 and Neighborhood Commercial in conformance to the Comprehensive Plan and adopted pre-annexation zoning.

Section 3. Indebtedness. Pursuant to the terms of the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 4. Preservation Easement. Pursuant to the terms of the annexation the applicant agrees to the recordation of a preservation easement for the protection of Bear Creek.

Section 5. Duties of City Clerk. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached Exhibits 1 and 2, with the King County Council. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in RCW 35A.14.700 with the Office of Financial Management within thirty (30) days of the effective date of the annexation.

Section 5. Effective Date. This ordinance, being the exercise of a power specifically delegated to the legislative body of the City, is not subject to referendum, and shall take effect and be in full force five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:

BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

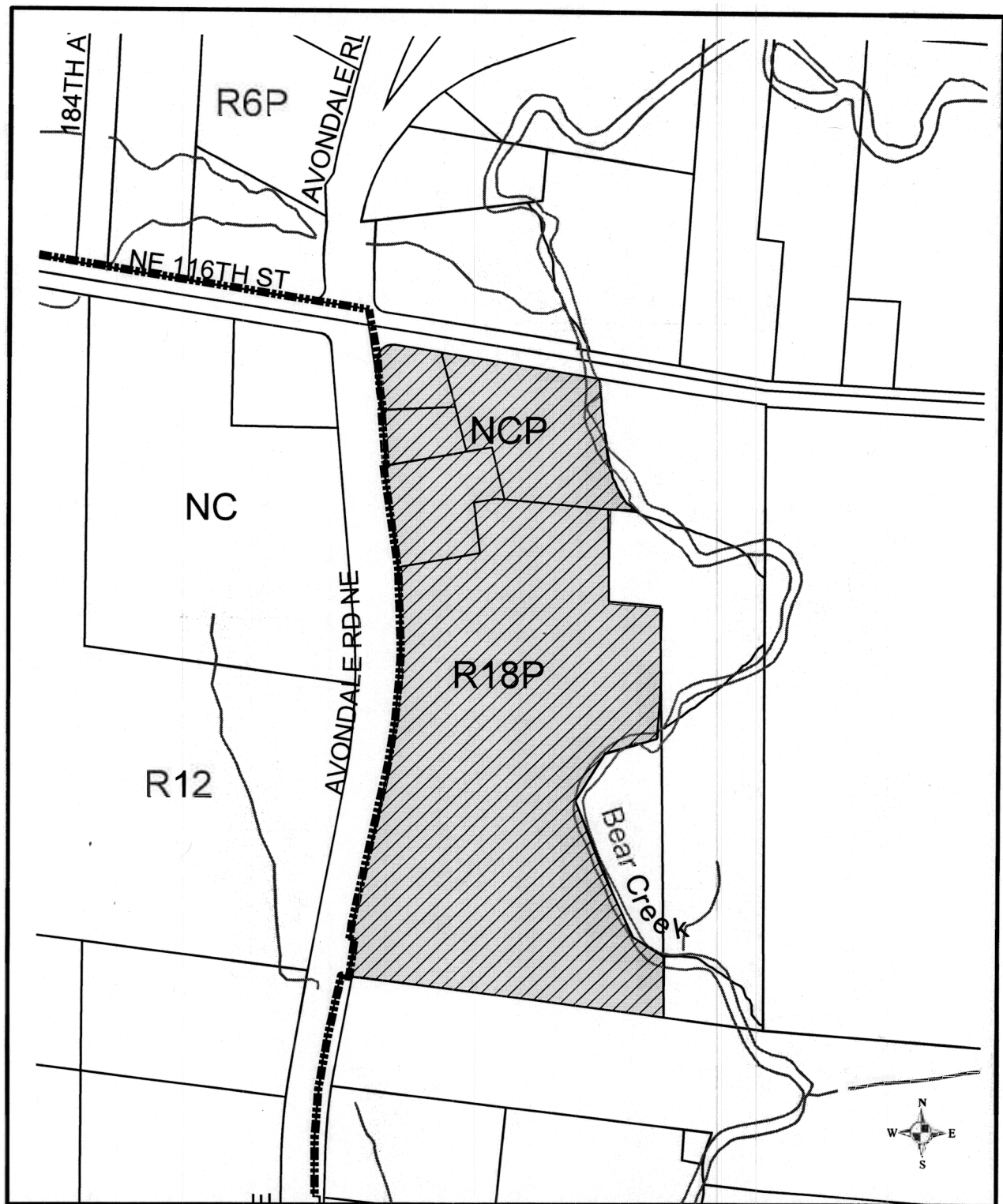
By:_____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO._____

Avon Villa Annexaton to Redmond

That portion of the northeast quarter of the northwest quarter of Section 31, Township 26 North, Range 6 East, W.M., described as follows: Beginning at the north quarter corner of said Section 31; thence west along north line of said Section 31 to an intersection with the east margin of Avondale Road NE and Redmond City Limit line per Redmond Ordinance Number 1797; thence southerly along said east margin of said Avondale Road NE and said Redmond City Limit line to the south line of said northeast quarter of northwest quarter of said Section 31, and the True Point Of Beginning; thence easterly along said south line to the southeast corner of Lot D of King County Short Plat Number 175009, according to the plat thereof recorded under recording number 7510090363, records of King County, Washington; thence north along east line of said Lot D to an intersection with the centerline of Bear Creek; thence westerly, northwesterly, and northeasterly along said centerline to an intersection with the east line of said Lot D; thence north along said east line to the more southerly northeast corner of said Lot D; thence west and north along said east line to a northeast corner of said Lot D, said point bears S 84°55'49" E, a distance of 217.64 feet from the most northerly angle point in the north line of said Lot D according to said King County Short Plat; thence easterly along the easterly extension of said north line of said Lot D to an intersection with the centerline of Bear Creek; thence northerly along said centerline to the south line of the northerly 5' described in Warranty Deed recorded under recording number 7509180372, records of King County, Washington; thence west along said south line to a point lying southerly and opposite engineer's station 16+50 (NE 116th St.), according to stations per King County Road Survey No. 31-26-6-7; thence southerly to a point lying 30.00 feet opposite said engineer's station 16+50; thence westerly parallel with north line of said northeast quarter of northwest quarter of said Section 31 to an intersection with the east margin of said Avondale Road NE and said Redmond City Limit per Redmond Ordinance Number 1797; thence southerly along said east margin of said Avondale Road NE and said Redmond City Limit to the south line of said northeast quarter of the northwest quarter of said Section 31, and the True Point Of Beginning.

EXHIBIT 1



Legend

-  Avon Villa Annexation
-  City Limits
-  Streams

Avon Villa Annexation

Exhibit 2